

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:93-CR-123-BO

UNITED STATES OF AMERICA

v.

GERALD FELTON

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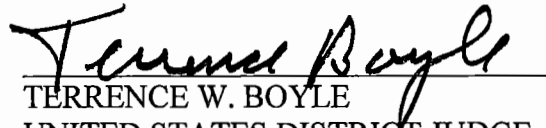
ORDER

This matter is before the Court on a document filed by defendant Gerald Felton which includes a letter addressed to Senior United States District Judge James C. Fox regarding criminal justice reform.¹ [DE 234]. Where the letter offers commentary on criminal justice reform generally, Mr. Felton has requested no relief which could be granted by this Court. Mr. Felton further proposes in his letter that, as a cost-savings measure, the Court return him to his pre-plea agreement position, obligating him to pay restitution for a period of ten years upon his employment and perform 100 hours of community service per year with the restitution. [DE 234 at 29].

The relief which Mr. Felton seeks in his proposal, vacatur of his conviction and sentence, is that which would be granted by a successful motion pursuant to 28 U.S.C. § 2255. As Mr. Felton has previously filed a § 2255 motion that has been dismissed on the merits, *see* [DE 79; 99], he must first receive authorization from the court of appeals prior to filing a second or successive petition in this Court. 28 U.S.C. § 2255(h); *United States v. Winestock*, 340 F.3d 200, 205 (4th Cir. 2003). His proposal in letter form [DE 234] is therefore DENIED WITHOUT PREJUDICE.

¹ This matter was reassigned to the undersigned on March 9, 2018, following Judge Fox's retirement.

SO ORDERED, this 14 day of June, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE